

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

CAB-02 COME-00 DOTE-00 EB-07 FAA-00 IO-10 SY-05

SCCT-01 SAJ-01 /083 W

----- 010434

R 121451Z MAR 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8629

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 04051

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, US, UK, FR, UR

SUBJECT: SOVIET STATEMENT ON EXTENDING HIJACKING
CONVENTION TO BERLIN

REF: A) BONN 466; B) STATE 281004, 1974; C) BONN 19587,
1974; D) MOSCOW 11783, 1974

SUMMARY: THE BRITISH HAVE RECEIVED, AS A DEPOSITORY OF
THE HIJACKING CONVENTION, A NOTE FROM THE USSR PROTEST-
ING EXTENSION OF THE CONVENTION TO WEST BERLIN. AD REF
AGREEMENT FOR RECOMMENDATION TO AUTHORITIES HAS BEEN
REACHED ON A TEXT OF REPLY ALMOST IDENTICAL WITH TEXT
CONTAINED REFTEL C WHICH WAS APPROVED BY BONN
GROUP CAPITALS AS REPLY TO EARLIER SOVIET APPROACHES ON
SUBJECT BUT WHICH, WE UNDERSTAND, WAS NEVER DELIVERED.
END SUMMARY.

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1. THE BRITISH, AS DEPOSITORY, HAVE RECEIVED THE FOLLOW-

ING NOTE FROM THE USSR (FCO TRANSLATION). BEGIN TEXT:
THE EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS
PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AND
COMMONWEALTH AFFAIRS OF GREAT BRITAIN AND WITH REFERENCE
TO THE MINISTRY'S NOTE NO. MRS 14/2 OF 30 OCTOBER 1974
HAS THE HONOUR TO STATE THE FOLLOWING:

THE ANTI-HIJACKING CONVENTION OF 1970 BY ITS
CONTENTS DIRECTLY CONCERNS QUESTIONS OF STATUS AND
SECURITY. IN PARTICULAR, IT REGULATES QUESTIONS OF
ESTABLISHING JURISDICTION OVER A COMMITTED CRIME, OF
DETERMINING METHODS NECESSARY FOR THE DETENTION OF A
SUSPECTED CRIMINAL, HIS ARREST, HANDING OVER, ETC.
INTERNATIONAL AGREEMENTS OF THIS KIND, AS IS WELL KNOWN,
CANNOT BE EXTENDED BY THE FEDERAL REPUBLIC OF GERMANY TO
BERLIN (WEST), INASMUCH AS IN ACCORDANCE WITH THE
QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971, THE TREATY
OBLIGATION OF THE FRG WHICH CONCERN QUESTIONS OF SECURI-
TY AND STATUS CANNOT BE EXTENDED TO THE WESTERN SECTORS
OF BERLIN.

MOREOVER, QUESTIONS OF ENSURING AIR SAFETY ARE THE
SUBJECT OF THE CONVENTION. IT IS WELL KNOWN, HOWEVER,
THAT THE FRG CANNOT HAVE ANY COMPETENCE IN SUCH MATTERS
WHERE THE WESTERN SECTORS OF BERLIN ARE CONCERNED.

TAKING THE ABOVE INTO ACCOUNT, THE SOVIET SIDE
CONSIDERS THE DECLARATION MADE BY THE FEDERAL REPUBLIC
OF GERMANY ON THE EXTENSION OF THE EFFECT OF THE ANTI-
HIJACKING CONVENTION TO BERLIN (WEST) TO BE ILLEGAL AND
TO BE DEVOID OF ANY JURIDICAL FORCE.

THE EMBASSY REQUESTS THE MINISTRY TO BRING THE
CONTENT OF THIS NOTE TO THE ATTENTION OF ALL PARTICI-
PANTS IN THE ABOVE-MENTIONED CONVENTION WHO WERE INFORM-
ED OF ITS RATIFICATION BY THE FEDERAL REPUBLIC OF
GERMANY.

THE EMBASSY AVAILS ITSELF, ETC. LONDON, 21
JANUARY 1975. END TEXT. WE ASSUME SIMILAR NOTE HAS NOT
REPEAT NOT BEEN RECEIVED BY DEPARTMENT AS ONE OF THE
THREE DEPOSITORIES OF CONVENTION.

2. BASED ON THE UNDERSTANDING THAT THE TEXT AGREED FOR
DELIVERY IN MOSCOW (SEE REFTEL A) AS RESPONSE TO SOVIET
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APPROACHES TO US, UK, AND FRENCH REPORTED REFTEL D AND
IN SUBSEQUENT MESSAGES HAS NOT REPEAT NOT BEEN DELIVERED,
BONN GROUP HAS AGREED AD REF TO RECOMMEND TO AUTHORI-
TIES SLIGHTLY MODIFIED VERSION OF THIS TEXT AS ALLIED
REPLY TO POINTS MADE IN PRESENT SOVIET NOTE. ONLY CHANGE
IN TEXT WOULD BE NEW PARA ONE (INTRODUCTION). REGARDING
MODALITIES, BRITISH REP RECOMMENDED ON INSTRUCTION FROM
LONDON THAT, SINCE FCO AS DEPOSITORY WAS RECIPIENT OF

SOVIET NOTE, FCO CIRCULATE REPLY TO STATES PARTIES TO
HIJACKING CONVENTION (INCLUDING USSR) ON BEHALF OF THREE
POWERS. US AND FRENCH REPS AGREED TO SO RECOMMEND. ALL
REPS ALSO AGREED THAT SINCE REPLY WOULD GO TO USSR AS
STATE PARTY, IT WOULD NOT BE NECESSARY FOR ALLIED
EMBASSIES IN MOSCOW TO MAKE RESPONSES TO MFA WITH RESPECT
TO SOVIET APPROACHES THERE ON SUBJECT. IT WAS ALSO THE
VIEW OF ALL REPS THAT IF REPLY OR REPLIES TO THESE

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

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CAB-02 COME-00 DOTE-00 EB-07 FAA-00 IO-10 SY-05

SCCT-01 SAJ-01 /083 W

----- 010355

R 121451Z MAR 75

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INFO USMISSION USBERLIN

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 04051

APPROACHES HAVE, CONTRARY TO BONN GROUP UNDERSTANDING,
ACTUALLY BEEN MADE, THE PRESENT RESPONSE FOR USE WITHIN
CONVENTION CONTEXT WOULD NOT BE AFFECTED.

3. AD REF AGREED TEXT FOLLOWS. BEGIN TEXT:

1. THE FOREIGN AND COMMONWEALTH OFFICE, WITH

REFERENCE TO THE COMMUNICATION FROM THE EMBASSY OF THE USSR CIRCULATED UNDER COVER OF ITS NOTE NO (BLANK) OF (BLANK), REGARDING THE APPLICATION IN THE WESTERN SECTORS OF BERLIN OF THE HAGUE CONVENTION OF 1970 FOR THE UNLAWFUL SEIZURE OF AIRCRAFT, HAS THE HONOUR FOLLOWING CONSULTATIONS BETWEEN THE GOVERNMENT OF THE UK AND THE GOVERNMENTS OF FRANCE AND THE UNITED STATES TO STATE THE FOLLOWING ON BEHALF OF ALL THREE GOVERNMENTS.

2. IN ACCORDANCE WITH ESTABLISHED PROCEDURES WHICH WERE REAFFIRMED IN THE QUADRIPARTITE AGREEMENT OF CONFIDENTIAL

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3 SEPTEMBER 1971, THE AUTHORITIES OF THE THREE POWERS, BEFORE AUTHORISING ITS EXTENSION TO THE WSB, REVIEWED THIS CONVENTION WHICH HAS THE PRIMARY PURPOSE OF ESTABLISHING THE OFFENCE OF UNLAWFUL SEIZURE OF AIRCRAFT AND A FRAMEWORK WITHIN WHICH THOSE COMMITTING IT CAN BE BROUGHT TO JUSTICE.

3. THE AUTHORITIES OF THE THREE POWERS DO NOT ACCEPT THE SOVIET ASSERTION THAT CONVENTIONS RELATING TO THE ESTABLISHMENT OF JURISDICTION OVER CRIMES MAY NOT BE EXTENDED TO THE WSB. FOR MANY YEARS CONVENTIONS OF THIS NATURE HAVE BEEN EXTENDED TO BERLIN SUBJECT, WHENEVER REQUIRED, TO APPROPRIATE ALLIED RESERVATIONS.

4. AS FAR AS CIVIL AVIATION MATTERS MAY BE CONCERNED, THE AUTHORITIES OF THE THREE POWERS HAVE TAKEN THE NECESSARY STEPS TO ENSURE THAT ALLIED RIGHTS AND RESPONSIBILITIES IN THIS FIELD REMAIN UNAFFECTED.

5. CONSEQUENTLY, THE VALIDITY OF THE BERLIN DECLARATION MADE BY THE FRG IS UNAFFECTED AND THE APPLICATION TO THE WESTERN SECTORS OF BERLIN OF THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT CONTINUES IN FULL FORCE AND EFFECT. END TEXT.

4. RECOMMEND DEPARTMENT AGREE TO TEXT GIVEN PARA 3 ABOVE AND TO MODALITIES AS OUTLINED IN PARA 2.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, ANTIHIJACKING PROCEDURES, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 12 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN04051
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750086-0857
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750360/aaaacble.tel
Line Count: 210
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 BONN 466, 75 STATE 281004, 75 1974, 75 BONN 19587
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2003 by ShawDG>; APPROVED <22 SEP 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SOVIET STATEMENT ON EXTENDING HIJACKING CONVENTION TO BERLIN
TAGS: PFOR, PGOV, WB, GE, US, UK, FR, UR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006